

Ordinance No: 15-08
Zoning Text Amendment No: 03-07
Concerning: Private educational institution
for persons with disabilities in RDT zone
Draft No. & Date: 1 – 5/6/03
Introduced: May 6, 2003
Public Hearing: June 10, 2003; 7:30 PM
Adopted: July 1, 2003
Effective: July 21, 2003

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Subin

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- allowing a private educational institution for persons with disabilities by special exception in the RDT zone, under limited circumstances.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-9 “AGRICULTURAL ZONES”
Section 59-C-9.3 “Land uses”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*

*Underlining indicates text that is added to existing laws
by the original text amendment.*

*[Single boldface brackets] indicate text that is deleted from
existing law by the original text amendment.*

*Double underlining indicates text that is added to the text
amendment by amendment.*

*[[Double boldface brackets]] indicate text that is deleted
from the text amendment by amendment.*

** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment (ZTA) No. 03-07 was introduced on May 6, 2003 for the purpose of allowing a private educational institution for persons with disabilities by special exception in the RDT zone, under limited circumstances.

The Montgomery County Planning Board in its report to the Council recommended that that ZTA 03-07 be approved with modifications. The Planning Board believes it is reasonable to provide for a private school in the RDT zone, under the limited circumstances of ZTA 03-07. The Board suggested additional criteria to reflect previous ownership of the site by the Federal government and State of Maryland.

The County Council held a public hearing on June 10, 2003, to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on June 16, 2003 to review the amendment. The Committee agreed with the Planning Board's general position on the ZTA, but did not believe it advisable to use ownership as a basis for a land use decision. The Committee preferred to limit private schools to sites in the RDT zone that have previously been used to treat and educate persons with disabilities. In the Committee's view, this is a reasonable standard to be applied to any future private school in the RDT zone and would further limit the potential impacts in the agricultural area.

The District Council reviewed Zoning Text Amendment No. 03-07 at a worksession held on July 1, 2003, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 03-07 will be approved as amended.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Division 59-C-9 is amended as follows:

DIVISION 59-C-9. AGRICULTURAL ZONES.

* * *

59-C-9.3 Land uses.

* * *

	Rural	RC	LDRC	RDT	RS	RNC
(h) Services:²						
* * *						
Educational institution, private.	SE	SE	SE	SE ¹³	SE	SE
* * *						

¹³ Limited to individual or small class instruction provided within a dwelling or an accessory use, such as a swimming pool, by a resident of the dwelling. However, a private educational institution for persons with disabilities may be established subject to the special exception requirements of section 59-G-2.19, and provided (1) [[the site is at least 2 acres in size]] the site was previously used to provide educational services to persons with disabilities, (2) no more than 75 students are enrolled at any one time, (3) enrolled students are not boarded, and (4) improvements exist on the property (as of July 21, 2003) to accommodate the school's education programs. A residence may be provided on site for use by a caretaker. Educational services to persons without disabilities are limited to enrichment activities related to providing educational services to persons with disabilities. A private educational institution lawfully existing prior to January 6, 1981, when the Rural Density Transfer Zone sectional map amendment was enacted is [not] a [non]conforming use, and may be extended, enlarged or modified by special exception subject to the provisions [set forth in] of section 59-G-2.19, "Educational Institutions, Private."

* * *

Sec. 2. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Mary A. Edgar, CMC
Clerk of the Council